

REMARKS

Claims 1-15 were previously cancelled. Claims 16-38 are present in this case.

Restriction has been required under 35 USC 121 and 372. This application is a national stage application of PCT/FR2004/000151.

Pursuant to 37 CFR 1.499, restriction is required between:

- 1) Claims 16-35, and 38, drawn to a method of modulating a Hedgehog protein signaling pathway in a mammal (Group I); and
- 2) A compound and composition of the compound of the formula (I)(Group II).

Restriction is said to be required as under PCT Rule 13.1, as Groups I and II do not relate to a single general inventive concept; and under PCT Rule 13.2, as Groups I and II are said to lack a “common technical feature.” See page 2 of the Restriction Requirement.

In reply thereto, Applicants provisionally elect claims 16-35, and 38 (Group I) with traverse.

Further, Applicants provisionally elect the species mifepristone for the elected claims 16-35 (Group II) with traverse.

Notably, for example, a preferred form of the compound of the formula (I) is a salt. Exemplary salts are noted at page 11, line 1-10 of the application as filed. This is neither disclosed nor suggested by U.S. 5,468,741. Hence, it is urged that patentable subject matter is presentable for claims 36-37.

Finally, the Examiner is urged to expand the search of species for method claims 16-35 to reasonable number of species as required.

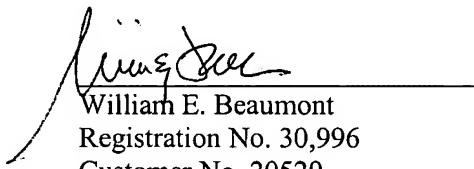
CONCLUSION

Accordingly, it is believed that this application is now in condition for examination on the merits. Favorable consideration is earnestly solicited.

The Examiner is welcomed to telephone the undersigned attorney if he has any questions or comments.

In the event this paper is not timely filed, Applicant hereby petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,
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